United Nations A/C.6/64/SR.26

General Assembly
Sixty-fourth session

Official Records

Distr.: General
5 February 2010

Original: English

Sixth Committee

Summary record of the 26th meeting
Held at Headquarters, New York, on Wednesday, 9 December 2009, at 3 p.m.

Chairman: Mr. Benmehidi ..... (Algeria)

Contents

Agenda item 171: Observer status in the General Assembly for the Council of Presidents of the General Assembly

Agenda item 169: Observer status for the Parliamentary Assembly of the Mediterranean in the General Assembly

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09-64088 (E)

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The meeting was called to order at 3.25 p.m.

Agenda item 171: Observer status in the General Assembly for the Council of Presidents of the General Assembly (A/64/235; A/C.6/64/1/Add.1; A/C.6/64/L.20)

1. **The Chairman** drew attention to document A/64/235, containing a letter dated 12 November 2009 from the Permanent Representatives of Saint Lucia, Saudi Arabia and Ukraine to the United Nations addressed to the Secretary-General, requesting the inclusion of an additional item in the agenda of the sixty-fourth session of the General Assembly, and to document A/C.6/64/1/Add.1, containing a letter dated 1 December 2009 from the President of the General Assembly to the Chairman of the Sixth Committee on the allocation of that item to the Sixth Committee.

2. **Mr. St. Aimee** (Saint Lucia), introducing draft resolution A/C.6/64/L.20, said that, in order to guide its deliberations, the General Assembly should draw on the collective wisdom and insight of its past Presidents. Many of them had been prominent figures in national, regional and global governance, and had served as ministers, diplomats or scholars. Having left office, they were no longer constrained by such commitments and enjoyed the freedom to analyse their actions with the benefit of hindsight. There was no other group in the world with a similar breadth of understanding and experience. The Council of Presidents of the General Assembly had been established in 1997 in order to harness their institutional memory.

3. By granting the Council observer status, the General Assembly would gain the opportunity to continue to interact with its past Presidents. The Council met the criteria for observer status; the fundamental standard was not organizational status, but the ability to contribute to the work of the United Nations.

4. **Mr. Bae** Byeongsoo (Republic of Korea) said that his delegation supported the draft resolution. The primary consideration was how an entity could assist the work of the General Assembly, and the Council was in a position to make a huge contribution.

5. **Ms. McLeod** (United States of America) said that General Assembly decision 49/426, adopted in 1994, provided that the granting of observer status in the General Assembly should be confined to States and to those intergovernmental organizations whose activities covered matters of interest to the Assembly. The decision had been adopted after much deliberation and after a working group had issued a well-considered report. It reflected a clear preference for the establishment of meaningful limits on the types of entity that could receive observer status. It might be argued that the time had come to reconsider those limits. However, so long as they remained in force, it was doubtful whether the Council of Presidents of the General Assembly met the criteria for observer status.

6. Document A/64/235 described the Council as a think tank. As such, it did not appear to be an intergovernmental organization. A decision to grant the Council observer status would therefore be tantamount to revoking decision 49/426, thereby opening the door for many other prominent think tanks and non-governmental organizations.

7. The issue merited deeper reflection, and was not particularly urgent. Its consideration should be deferred in order to allow time to evaluate the implications and consider possible alternatives. Her delegation was not prepared to support the draft resolution at that time.

8. **Mr. Kuzmin** (Russian Federation) said that his delegation attached great importance to the legal criteria for the granting of observer status set out in General Assembly decision 49/426. It had been uneasy about a number of recent cases in which observer status had been granted on the basis of considerations other than those legal criteria; such cases eroded the status of the United Nations as an intergovernmental organization. His delegation therefore supported the United States position.

9. **Ms. Guo** Xiaomei (China) said that General Assembly decision 49/426 stated explicitly that observer status should be granted only to States and intergovernmental organizations. The Council of Presidents of the General Assembly was composed of individuals and therefore did not comply with that criterion. Her delegation was not inclined to grant the Council observer status, but could agree to defer considerations of the question to the sixty-fifth session.

10. In the meantime, she hoped that the sponsors of the draft resolution could shed light on a number of questions that had not been adequately addressed in the explanatory memorandum contained in annex I to document A/64/235. Her delegation wished to know how the Council was funded; whether or not it was an international organization; what type of relationship it

had with United Nations agencies; and how the acquisition of observer status would impact on its work and that of the Assembly. A copy of the founding documents of the Council would be useful in order to facilitate further consideration of the question.

11. **Mr. Androulakis** (Greece) said that his delegation shared the concerns expressed by other delegations and favoured deferring consideration of the question to the sixty-fifth session of the General Assembly.

12. **Mr. Wilson** (United Kingdom) said that it was difficult to see how the Council of Presidents of the General Assembly satisfied the criteria set forth in decision 49/426, which continued to apply. His delegation supported deferring consideration of the question to the next session.

13. **Mr.** Manjeev Singh **Puri** (India) said that his delegation was grateful to the sponsors of the draft resolution for drawing attention to the wealth of talent and knowledge which the Council of Presidents of the General Assembly represented. That resource had been neglected despite the close links maintained between the Assembly and its former Presidents. The Assembly had established the criteria for the granting of observer status and was entitled to change them. The case made by the sponsors therefore deserved serious consideration.

14. However, his delegation was not sure whether the granting of observer status was the best way forward. For instance, it would result in former Presidents of the General Assembly speaking only after their junior colleagues. Rather, what was needed was an opportunity to engage in discussions with former Presidents. The Committee should seek an innovative solution that would ensure respect for their integrity and rank.

15. **Mr. Tladi** (South Africa) said that his delegation had on previous occasions supported the granting of observer status to organizations that did not meet the criteria in the strictest sense. However, such organizations should have an intergovernmental character. Even with a flexible approach, it was difficult to see how the Council of Presidents of the General Assembly met that requirement. His delegation would therefore find it difficult to support the draft resolution. It would, however, be open to the possibility of re-evaluating General Assembly decision 49/426.

16. **Ms. Millicay** (Argentina) said that her delegation had on previous occasions expressed concern at the working methods of the Committee with regard to the granting of observer status. In determining that such requests should be considered by the Sixth Committee, the General Assembly had intended that they should be evaluated carefully on the basis of the legal criteria, not simply adopted automatically. Decision 49/426, which continued to be fully pertinent, provided that the entity in question must be a State or intergovernmental organization. The criterion that its activities must cover matters of interest to the Assembly was a necessary additional condition but was not sufficient on its own.

17. The question was not urgent and should be deferred to the sixty-fifth session. The Committee could then analyse the implications of granting observer status to the Council of Presidents of the General Assembly and consider other forms of representation for it.

18. **Ms. Urriola** (Panama) said that, since the Council was composed of individuals, it did not meet the criteria set forth in decision 49/426. Observer status should be granted only after serious consideration, and not under pressure. Her delegation therefore could not support the draft resolution at the current stage.

19. **Mr. Shapoval** (Ukraine) said that his delegation had helped establish the Council in 1997. The former Presidents had a wealth of experience that should be utilized. In their personal capacity, they had been at the centre of many crucial decisions which continued to influence the Assembly. The work of the Council would support that of the Assembly, and it was difficult to see how the Council was anything other than intergovernmental in nature. He was grateful to the delegations that had commented on the draft resolution from a strictly legal perspective. However, it was also important to adopt a flexible approach.

20. **Mr. Appreku** (Ghana) said that his delegation favoured a flexible approach based on the merits of each case. It did not, however, consider it appropriate to reopen discussion of the criteria established in 1994. He requested the sponsors of the draft resolution to provide the Committee with a copy of the Council's articles of association.

21. The name "Council of Presidents of the General Assembly" should perhaps be modified to refer explicitly to former Presidents. In that connection, the position of the President-in-Office as an ex officio

member of the Council was problematic. If the Council were to obtain observer status, which was usually granted on a permanent basis, the President-in-Office of the Assembly would effectively also be an observer in the Assembly. One solution could be to grant the Council ad hoc observer status for certain high-level meetings. The objective of utilizing the expertise of former Presidents was laudable, but granting observer status to the Council would not be consistent with General Assembly decision 49/426.

22. **Mr. St. Aimee** (Saint Lucia) said that he was grateful to other delegations for their insights, and in particular to the representative of India for suggesting a way forward. It was a positive sign that no delegation had objected to the idea of benefiting from the expertise of former Presidents. He hoped that the legal technicalities could be addressed before the Committee's next meeting and that the request would be considered on the basis not only of legality but also of fairness.

23. **The Chairman** said that the Committee's role was to give its opinion on the legality of granting observer status to the Council. However, the question also had a political dimension. General Assembly decision 49/426 had been adopted with the objective of closing the door to those who would challenge the intergovernmental character of the United Nations. However, thousands of civil society organizations were now interacting with the Economic and Social Council, thereby challenging the Organization's decision-making process. Some such organizations had used their position to attack the territorial integrity of Member States. The criteria set forth in decision 49/426 should not be amended, but rather reinforced.

Agenda item 169: Observer status for the Parliamentary Assembly of the Mediterranean in the General Assembly (A/64/232; A/C.6/64/1/Add.1; A/C.6/64/L.19)

24. **The Chairman** drew attention to document A/64/232, containing a letter dated 7 October 2009 from the Permanent Representatives of France and Malta to the United Nations addressed to the Secretary-General, requesting the inclusion of an additional item in the agenda of the sixty-fourth session of the General Assembly, and to document A/C.6/64/1/Add.1, containing a letter dated 1 December 2009 from the President of the General Assembly to the Chairman of the Sixth Committee on the allocation of that item to the Sixth Committee.

25. **Mr. Borg** (Malta), introducing draft resolution A/C.6/64/L.19, said that the Parliamentary Assembly of the Mediterranean (PAM) was an inter-State organization representing national parliaments from the Mediterranean region and had international legal capacity and personality. It also enjoyed the privileges and immunities granted to intergovernmental organizations. It had originated from a process established under the auspices of the Inter-Parliamentary Union (IPU), which had itself been granted observer status in the General Assembly. Its political manifesto, known as the "Charter of the Mediterranean", clearly stated that it conducted its work strictly in accordance with the Charter of the United Nations.

26. PAM focused on several of the peace and security issues that were addressed by the Security Council, and its standing committees covered a wide spectrum of issues considered by the General Assembly and the Economic and Social Council, from climate change, terrorism and migration to trade, human rights and dialogue among civilizations. At its fourth plenary session, held in Istanbul on 23 and 24 October 2009 and attended by seven other regional parliamentary organizations, PAM had considered a range of political, social, economic and cultural issues of interest to the United Nations. Only a few days earlier, the General Assembly had adopted without a vote resolution 64/68 entitled "Strengthening of security and cooperation in the Mediterranean region", in which it had, inter alia, expressed satisfaction at the efforts of Mediterranean countries to promote just and lasting solutions to the persistent problems of the region, and commended them for their efforts to turn the Mediterranean basin into an area of dialogue, exchanges and cooperation and to guarantee peace, stability and prosperity.

27. PAM also contributed to the consideration of global issues on the international agenda. In November 2009, for example, at the request of the United Nations and in association with the United Nations Inter-Agency Secretariat of the International Strategy for Disaster Reduction, it had organized an international round table of parliamentarians on disaster risk reduction and climate change adaptation. The round table had been attended by representatives of many countries from all continents, and the participants had adopted the "Malta Declaration", a

critical step in a process started by the United Nations to mobilize parliamentarians from all over the world to send a strong message to the Conference of the Parties to the United Nations Framework Convention on Climate Change, which was under way in Copenhagen even as he spoke. PAM had been granted observer status at that Conference.

28. PAM members regularly attended meetings with other international and regional intergovernmental organizations and collaborated closely with various United Nations departments, agencies and programmes. It had permanent representatives to the United Nations in New York, Geneva, Vienna and Nairobi. It hosted meetings in Malta that were attended by ambassadors from countries that were not members of PAM, in addition to regular coordination meetings at the ambassadorial level. It also organized consultations at the level of heads of Government and ministers for foreign affairs.

29. In the area of migration — a critical issue in and around the Mediterranean region — PAM worked regularly with senior officials from the relevant national ministries and had helped to organize intergovernmental consultations with countries from the Maghreb at the request of the European Union. It also supported intergovernmental initiatives related to the Balkans and the Eastern Mediterranean region.

30. It was evident from the foregoing that PAM met the requirements for observer status in the General Assembly. Its relationship with the United Nations was increasingly close and productive. Moreover, States Members of the United Nations had resolved, in the Millennium Declaration, to strengthen further cooperation between the United Nations and national parliaments in various fields, including peace and security, economic and social development, international law and human rights and democracy and gender issues.

31. All 25 members of PAM strongly believed that their Assembly, as an intergovernmental organization, would continue to play an important role in transforming the Mediterranean into an area of peace, democracy, cooperation and prosperity. Its activities met the requirements of General Assembly decision 49/426. He therefore called on the Committee to consider its request for observer status favourably and to adopt the draft resolution.

32. **Mr. Baghaei Hamaneh** (Islamic Republic of Iran), speaking on both draft resolution A/C.6/64/L.19 and draft resolution A/C.6/64/L.20, said that, as the draft resolutions had only recently been submitted and did not require urgent attention, the Committee should take them up at the next session of the General Assembly. His delegation was not rejecting either of the draft resolutions but only seeking to give delegations more time to consider them.

33. **Ms. Gasri** (France) said that draft resolution A/C.6/64/L.19 should be considered on its own merits. PAM was a regional organization in which States were represented by their parliaments and whose aim was to promote peace and security in the Mediterranean region. It shared the values of the United Nations and had international legal personality. It fully met the criteria for the granting of observer status as set out in General Assembly decision 49/426, like its parent organization, IPU. The adoption of the draft resolution by consensus at the current session would strengthen the General Assembly's capacity to work with all bodies of the United Nations system and would be a reaffirmation of the General Assembly's commitment to achieving the goals of the United Nations throughout the world, including in the Mediterranean region.

34. **Mr. Borg** (Malta) noted that no delegation had raised substantive objections to the draft resolution and only one delegation wished to defer its consideration to the next session. Although there had been some delay before the General Committee had considered the request for inclusion of the relevant item in the agenda of the sixty-fourth session, the information accompanying the request had been available since 9 October 2009. He also reminded the representative of the Islamic Republic of Iran of the close relationship between PAM and the Parliamentary Union of Member States of the Organization of the Islamic Conference, which was based in Tehran.

35. Draft resolution A/C.6/64/L.19 should be treated separately from draft resolution A/C.6/64/L.20 and should be considered on its own merits. As PAM met the criteria set out in General Assembly decision 49/426, he saw no reason not to adopt the draft resolution in time for it to be included in the Committee's report to the General Assembly at the current session.

36. **Mr. Ben Lagha** (Tunisia), supported by **Ms. Apeyitou** (Cyprus), **Mr. Madureira** (Portugal), **Ms. Tansu-Seçkin** (Turkey), **Mr. Dieng** (Senegal) and **Ms. Zuluaga** (Colombia), said he agreed that the draft resolution should be considered at the current session. The request had been submitted in accordance with the rules of procedure of the General Assembly.

37. **Mr. St. Aimee** (Saint Lucia) said that, if there was consensus on the draft resolution, it could be adopted without further ado; if not, no harm would be done by taking a little more time to reach consensus.

38. **Mr. Shah** (Pakistan) said that he was not opposed to the adoption of the draft resolution. However, in order to be granted observer status, an organization should be of an intergovernmental nature, which usually meant that its members were appointed by the executive branch of government. The case of PAM therefore raised some interesting questions. In the interests of achieving consensus, delegations should be allowed time for consultations.

39. **Mr. Baghaei Hamaneh** (Islamic Republic of Iran) said that he preferred to couple the draft resolutions in order to focus on procedure rather than on the merits of each case. Any move to circumvent consensus in the granting of observer status risked encouraging groups of States to try to impose their views. In the interests of achieving consensus, consideration of both draft resolutions should be deferred to the sixty-fifth session.

40. **Mr. Bonifaz** (Peru) said that General Assembly decision 49/426 had been adopted in response to concerns about the granting of observer status not only to States and intergovernmental organizations but also to certain political entities. However, in recent years, observer status had been granted to some entities that did not strictly meet the criteria set out in the decision. Some delegations had insisted that such cases did not constitute precedents and had called for a review of the procedures for granting observer status. His delegation supported those calls, since such a review would help to clarify the criteria and facilitate consensus.

41. **The Chairman** suggested that informal consultations should be held before the next meeting. He would meet with the sponsors of the draft resolutions and all interested parties in an effort to reach consensus.

The meeting rose at 5.25 p.m.